

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

ANDREW ALBERT, individually, and
as representative of a Class of
Participants and Beneficiaries, on
Behalf of the Oshkosh Corporation and
Affiliates Tax Deferred Investment Plan;

Plaintiff,

Case No. 20-cv-901

v.

OSHKOSH CORPORATION, *et al.*

Defendants

DECLARATION OF PAUL M. SECUNDA

I, Paul M. Secunda, certify under penalty of perjury that the following is true and correct to the best of my knowledge and recollection:

1. I am an attorney for the Plaintiff in the case of Andrew Albert, individually, and as representative of a Class of Participants and Beneficiaries, on Behalf of the Oshkosh Corporation and Affiliates Tax Deferred Investment Plan, against Defendants Oshkosh Corporation, the Board of Directors of Oshkosh Corporation, the Administrative Committee of the Oshkosh Corporation and Affiliate Companies Employee Benefit Plans, and John Does 1-30.

2. The statements set forth in this Declaration are made of my own personal knowledge and are submitted pursuant to Civil L. R. 7(j)(2), which states: "If a party cites an unreported opinion, decision, order, judgment or other written disposition, the party must file and serve a copy of that opinion, decision, order, judgment, or other written disposition."

3. Attached hereto are the following cited unreported opinions and decisions:

A. Exhibit 1 is a true and correct copy of *Martin v. CareerBuilder, LLC*, 2020

WL 3578022 (N.D. Ill. July 1, 2020) as obtained from Westlaw Legal Research Services.

- B. Exhibit 2 is a true and correct copy of *Moreno v. Deutsche Bank Americas Holding Corp.*, 2016 WL 5957307 (S.D.N.Y. Oct. 13, 2016) as obtained from Westlaw Legal Research Services.
- C. Exhibit 3 is a true and correct copy of *Urakhchin v. Allianz Asset Mgmt. of Am., L.P.*, 2016 WL 4507117 (C.D. Cal. Aug. 5, 2016) as obtained from Westlaw Legal Research Services.
- D. Exhibit 4 is a true and correct copy of *Brotherston v. Putnam Invs., LLC*, 2016 WL 1397427 (D. Mass. April 7, 2016) as obtained from Westlaw Legal Research Services.
- E. Exhibit 5 is a true and correct copy of *Krueger v. Ameriprise Financial, Inc.*, 2012 WL 5873825 (D. Minn. Nov. 20, 2012) as obtained from Westlaw Legal Research Services.
- F. Exhibit 6 is a true and correct copy of *Gipson v. Wells Fargo & Co.*, 2009 WL 702004 (D. Minn. Mar. 13, 2009) as obtained from Westlaw Legal Research Services.
- G. Exhibit 7 is a true and correct copy of *Z.J. v. Kansas City*, 2016 WL 4126569 (W.D. Mo. Aug. 2, 2016) as obtained from Westlaw Legal Research Services.
- H. Exhibit 8 is a true and correct copy of *Cunningham v. Cornell Univ.*, 2019 WL 275827 (S.D.N.Y. Jan. 22, 2019) as obtained from Westlaw Legal Research Services.
- I. Exhibit 9 is a true and correct copy of *Cassell v. Vanderbilt Univ.*, 2018 WL 5264640 (M.D. Tenn. Oct. 23, 2018) as obtained from Westlaw Legal Research Services.

J. Exhibit 10 is a true and correct copy of U.S. Dep't of Labor, DOL Advisory Opinion 2003-09A, 2003 WL 21514170 (June 25, 2003) as obtained from Westlaw Legal Research Services.

K. Exhibit 11 is a true and correct copy of *Leber v. Citigroup 401(k) Plan Inv. Cmte.*, 2014 WL 4851816 (S.D.N.Y. Sept. 30, 2014) as obtained from Westlaw Legal Research Services.

L. Exhibit 12 is a true and correct copy of *Tussey v. ABB, Inc.*, 2007 WL 4289694 (W.D. Mo. Dec. 3, 2007) as obtained from Westlaw Legal Research Services.

4. I declare under penalty of perjury that the foregoing is true and correct to the best of my recollection.

Dated this 26th day of October, 2020.

s/ Paul M. Secunda

Paul M. Secunda

